

2 DAC #

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2006		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/954,964-Conf. #9017
TOTAL AMOUNT OF PAYMENT (\$) 1,520.00		Filing Date	September 19, 2001
		First Named Inventor	Kazuo SHIOTA
		Examiner Name	D. S. Felten
		Art Unit	3624
		Attorney Docket No.	2091-0245P

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 02-2448 Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - 20 = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - 3 = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ / 50 _____ (round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1253 Extension for response within third month	1,020.00
1452 Petition to revive unavoidably abandoned ...	500.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	40,439
Name (Print/Type)	D. Richard Anderson	Telephone	(703) 205-8035
		Date	February 5, 2007



MS PETITION
Docket No.: 2091-0245P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kazuo SHIOTA et al.

Application No.: 09/954,964

Confirmation No.: 9017

Filed: September 19, 2001

Art Unit: 3624

For: NETWORK PHOTOGRAPH SERVICE
SYSTEM

Examiner: D. S. Felten

PETITION TO REVIVE UNDER 37 C.F.R. §1.137(a) AND/OR 37 C.F.R. §1.137(b)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the January 19, 2007 Decision on Applicants' Renewed Petition to Withdraw Holding of Abandonment in connection with the above-identified application, Applicants respectfully submit this Petition to Revive based on unavoidable delay in filing a reply (37 C.F.R. §§1.137(a)), and in the alternative based on unintentional delay in filing a reply (37 C.F.R. §§1.137(b)).

02/06/2007 JADD01 00000025 09954964

01 FC:1253
02 FC:1452

1020.00 OP
500.00 OP

Facts/Background

On July 15, 2005, the Examiner mailed a Request of Information under 37 C.F.R. §1.105, requiring Applicants to provide certain information that the Examiner asserted as being “reasonably necessary to the examination of the application.” In view of the fact that the subject application had already received four (4) substantive Office Actions, Applicants’ representative believed that this Request of Information under 37 C.F.R. §1.105 had been issued in error. After consulting with the Examiner, the Examiner’s Supervisor (Mr. Millin) orally confirmed to Applicants’ representative that the Request Under 37 C.F.R. §1.105 had indeed been issued in error and that it was not necessary for Applicants to respond to this Rule 105 Request. Mr. Millin sent an email on November 4, 2005 reflecting this understanding.

Having not received the new Office Action that Mr. Millin indicated would be forthcoming, Applicants filed a Status Inquiry on January 31, 2006, reflecting their understanding and belief that the Examiner would be mailing a new Office Action for the subject application, and that Applicants were not required to file a Reply to the Request dated July 15, 2005. Nonetheless, a Notice of Abandonment was mailed February 13, 2006. Mr. Millin indicated during a subsequent phone conversation in early March, 2006 that the Notice of Abandonment was mailed in error and that a new Office Action would be forthcoming.

After again receiving no new Office Action from the Examiner, Applicants filed a Petition to Withdraw Holding of Abandonment on April 10, 2006. After receiving a Decision dated July 21, 2006, which did not withdraw the holding of abandonment, Applicants filed a Renewed Petition on August 15, 2006. A Decision on this Renewed Petition was issued on January 19, 2007, denying Applicants’ petition.

Petition to Revive Abandoned Application Under 37 C.F.R. §§1.137(a) and/or (b)

In view of the Decision dated January 19, 2007, which denied Applicants’ petition to withdraw the holding of abandonment, Applicants hereby Petition to Revive the subject application under 37 C.F.R. §§1.137(a), in that any delay in the filing of this Petition and the attached Reply was unavoidable. As reflected by the above facts, the entire delay in filing this Petition to Revive, along with the attached Reply, was unavoidable. Alternatively, Applicants hereby Petition to Revive the subject application under 37 C.F.R. §§1.137(b), in that any delay in filing of this Petition to Revive and the attached Reply was unintentional. As reflected by the

above facts, the entire delay in filing the Petition to Revive, along with the attached Reply, was unintentional.

Conclusion


If there are any questions regarding the above matters, please contact Applicants' representative, D. Richard Anderson, at the phone number listed below.

The petition fee as set forth in §1.17(l) is attached hereto. If the alternative Petition to Revive under 37 C.F.R. §§1.137(b) is deemed necessary, the Commissioner is hereby authorized to charge the petition fee as set forth in §1.17(m) to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee, including any fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 5, 2007

Respectfully submitted,



By
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Attachments: As indicated